

## **CAMDEN PLANNING BOARD**

### **Minutes of Meeting**

**November 3, 2010**

**PRESENT:** Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry Sabanty and Lowrie Sargent; Alternate Member Sid Lindsley; CEO Steve Wilson and Deb Dodge, Select Board Liaison

**ABSENT:** Alternate Member Nancy McConnel and Recording Secretary Jeanne Hollingsworth

#### **1. PUBLIC COMMENT:**

Ms. MacKinnon noted that all the Ordinance Amendments sent forward to a vote had passed on November 2<sup>nd</sup> – and all by a very good margin.

#### **2. MINUTES:**

The Minutes of October 6, 2010 will be reviewed at the next meeting.

#### **3. DISCUSSION:**

##### *1. Site Plan Review pre-applications:*

Camden Snow Bowl: Mountain Bike Trail Development Proposal

John Anders, President, local chapter of the New England Mountain Bike Association, (NEMBA). They have provided hundreds of hours of volunteer skilled trail building to the Snow Bowl and the Ragged Mountain Preserve – their primary focus area. What they are proposing at this time is to develop a lift-access downhill trail at the Snow Bowl that will work in concert with the four-season redevelopment proposal that is currently under discussion. The Town would normally be the Applicant, and Mr. Address, most probably, would act as agent since he is doing the grant work for the Town for this project. Mr. Address asks if NEMBA can be the Applicant instead, acting with the Town's endorsement, because, with the work from one grant not yet completed, the Town is not eligible to apply for another at this time. Mr. Sargent believes that the two issues – the grant application and the Site Plan application – are separate and one is not dependent on the other. If NEMBA is to be the Applicant for Site Plan Review the organization will need written permission from the Town as landowner to do the work proposed. The Chair read from the Ordinance which provides that a property owner's authorized agent may make the application. In this case it is most probably the Select Board who would authorize Mr. Address to act as the Town's agent for this review. Mr. Wilson informed the Board that Town Manager Roberta Smith is working on that at this time.

Mr. MacLean: Asked about the funding process – will expenses linked to this project require budget approval? Ms. Dodge informed the Board that Mr. Address had been before the Select Board at their last meeting and they had given him the go ahead to pursue the grant. That grant requires matching funds from the Town, and NEMBA is proposing to provide volunteer labor in lieu of the Town having to raise and spend matching funds to do the work. Mr. MacLean suggested that the Board could grant conditional approval dependant upon receipt of the grant or approval of any budget expenditures.

Mr. Householder asked Ms. Dodge is this application wasn't being taken out of sync with Town approval that is required for the redevelopment project as a whole. If this project is part of that it seems premature to be conducting this review. Ms. Dodge believes the question is whether or not this project can stand independent of the entire project going forward. Mr. Householder

understands that this proposal would make use of the proposed new chair lift that is part of the redevelopment proposal, and Mr. Address confirmed that it does. They are currently using the current lift but the use of their existing trail has grown to the point where they need new trails, and the budget being proposed for the redevelopment includes \$50,000 for multiuse trails. That would obligate the money for trails to accommodate cross-country skiing and hiking as well as mountain biking. Part of the vision of the redevelopment call for lift access to mountain bike trails, but there is no money set aside for that trail, and that is what the grant is for. Mr. Householder asked if they could begin work, assuming they have the grant, without the redevelopment proposal in place. Mr. Address said they could. Ms. MacKinnon asked if this proposed trail could be accessed from the existing lift. Mr. Address replied that it cannot because the existing lift only goes halfway up the mountain and these new trails will begin from the top. It is possible to get to the top from the end of the existing lift however, so they won't need to wait for the new lift to be installed. Mr. Householder asked if the redevelopment work does go forward would that work interfere with the work done to the new trails, and Mr. Address agreed that there was a possibility that there could be heavy equipment that has to cross the site and he would assume that if any damage done the trail would have to be put back as it was found.

Addressing Mr. Householder's concerns that this project was premature, Mr. Wilson informed the Board that, as part of the grant process, a plan approved by local boards is required for submission. This application is for the November 2011 grant process and this is just the beginning of gathering all the paperwork and approvals necessary to apply.

Mr. Sargent also has questions about whether or not it makes sense to duplicate some expensive engineering studies. These studies that will be needed for the redevelopment project where it is proposing construction in many of the same areas of the site as the trails are proposed. It seems wasteful to do studies twice and perhaps even to have to do work to the trails twice if the redevelopment design makes changes to the terrain.

Ms. MacKinnon understands that all the group needs is an approved site plan to submit - amendments to that plan can be made later on if necessary. Mr. Address said that he has a year to work on this, right now it is a very basic plan, but he expects to leave this meeting tonight with a list of things he has to do to better prepare that plan. Mr. Sargent suggested that there is work in progress on designing cross-country ski trails. They may be getting to the engineering stage soon and perhaps they can share some of the engineering costs if they coordinate these projects.

Mr. Address read from the grant application packet regarding submission of plans: The group needs "a signed statement from the Town stating the proposed project has been reviewed by the appropriate boards, planning, zoning, etc., and is consistent with applicable local plans and ordinances." Mr. Sargent believes this means that the group needs an approved plan. The ordinance provides for making changes later if necessary, but in order for the Board to find the plan is consistent with the ordinance they need to review and approve the plan. Even though he thinks this is not explicitly stated, Mr. MacLean says that there is no mechanism for the Board to conduct a general review. The only way they have to find consistency is through a formal review. And, that review will require some very detailed plans. Mr. Address replied that this grant is not for actual construction, it is to bring a company here with expertise in mechanical construction of mountain bike trails. They will work with locals for two weeks and start them on the project – then they leave and the locals continue the work. Ms. MacKinnon asked if Mr. Wilson knew what schedule Parks and Recreation has for bringing the redevelopment proposal

forward. The CEO replied that the schedule depends on fund raising. They may apply next year, but that is still an unknown timeframe.

The Chair turned to the Ordinance: Sections 3 and 4 cover submissions that will be required if a formal application is submitted. He explained to Mr. Address that some of these items will not apply and don't need to be shown on the plan, and went on to indicate some of the items where professional assistance may be required. Some of this information may be available from the Snow Bowl as well.

**Article XII Section 3: Site Plan Content**

(a) *Owner's name and address*

(b) *Names and addresses of all abutting property owners*

(c) *Sketch map showing general location of the site within the Town*

(d) *Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.*

(e) *Zoning classification(s) of the property lines of the property to be developed and the source of this information.*

(f) *The bearing and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient*

(h) *The location, dimensions, front view, and ground floor elevations of all existing and proposed buildings in the site.*

(i) *The location and dimensions of driveways, parking and loading areas, and walkways.*

(j) *Location of intersecting roads or driveways within 200 feet of the site.*

(k) *The location and dimensions of all provisions for water supply and wastewater disposal*

(l) *the location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained and of any new landscaping planned.*

(m) *Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.*

(n) *Location, front view, and dimensions of existing and proposed signs.*

(o) *Location and type of exterior lighting.*

(p) *Copies of applicable State and Federal approvals and permits, provided, however, that the Board may approve site plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.*

(q) *A signature block on the site plan, including space to record a reference to the order by which the plan is approved.*

#### **Section 4. Supplemental Information**

The Planning Board may require any or all of the following submissions where it determines that, due to the scale, nature of the proposed development or relationship to surrounding properties, such information is necessary to assure compliance with the intent and purposes of this Ordinance.

(1) Existing and proposed topography of the site at two-foot contour intervals, or such other interval as the Board may determine, **prepared and sealed by a surveyor licensed in the State of Maine – this requirement was noted.**

(2) A storm water drainage and erosion control plan **prepared by an engineer or landscape architect registered in the State of Maine (noted as well)**, showing:

(a) The existing and proposed method of handling storm water runoff.

(b) The direction of flow of the runoff through the use of arrows.

(c) The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.

(d) Engineering calculations used to determine drainage requirements based upon a 25-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

(e) Methods of controlling erosion and sedimentation during and after construction.

(3) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.

(4) A planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted.

Mr. Lindsley asked if the grant was to pay for these kinds of engineered plans or for construction. Mr. Andress replied that the grant could *not* be used for planning.

Mr. Sabanty asked about the potential for the bikes to exacerbate erosion problems. Mr. Andress said that if the trail is built well it is equal to or less than that created by hikers. The surface is left natural, although geo-cell grid installations are used to stabilize in areas that are more prone to erosion. Here they use rock armored sides to stabilize and prevent erosion. They follow guidelines and practice all kinds of erosion control methods to prevent erosion and to keep water from standing on the road. This will be a beginner trail so they will be very aware of the grades and keep to areas suitable for families to ride.

Mr. Sabanty asked if the trail will be used by bikers in the winter – Mr. Andress is not sure, but the trail may be used for cross-country skiing in the winter. The redevelopment's proposed cross country trail will not cross their bike trail.

2. *Minor Field Adjustments:* There were none

### *3. Possible Amendments for June (2011):*

The Board will start work on Home Occupations. Mr. Wilson prepared a packet showing, by zone, where home occupations are allowed. In looking at a second definition for home occupation it seems as if the current definition is working where it is in place. He asked if there were any particular zones where the Board wanted to set different standards. He cautioned that allowing expanded use of home occupations in the rural districts may run counter to the Comprehensive Plan which seeks to protect these areas. Intensity of home occupations in other districts may be controlled by requiring certain minimum lot sizes for a more intense use.

Mr. Sargent updated the Board regarding his discussions with CEDAC on the subject of Home Occupations. CEDAC want to encourage small start-up businesses and they think a good place for starting some of these businesses is in the home. They asked if it would be possible to contact all current Home Occupation permit holders to let them know the Board is looking at the Ordinance to see whether or not it works properly, and ask if they have had occasions when the Ordinance created problems for the business. Another suggestion comes from the fact that the Home Occupation ordinance was created in 1992 when most home occupations involved manufacturing of some sort. Now there is also a mix that includes “intellectual property” occupations - lawyers, architects, small offices, etc. These types of businesses tend to be less bothersome to neighbors than someone who is still manufacturing a product at home. The concept is to avoid activity that is bothersome to neighbors – dust, noise, odors, etc. It also seems counter-productive to limit the number of employees some of these incubator businesses may need as they grow to the point where they can afford to move into a rental space. Mr. Wilson suggested looking at the criteria already in place for a low-impact use to apply to some of these home occupations and require Planning Board review to look at the impacts. It gives the Board, the Town and abutters a chance to review the use

He suggests that certain home occupations might not be suitable for certain areas of Town and might be limited to certain zones or certain size lots – businesses that involve heavy machinery like landscapers, body shops, garages that are more commercial in nature. Mr. Sargent suggested that hooking performance standards to these kinds of businesses may make them tenable if the noise is limited to certain hours of the day, for example.

Mr. Wilson feels the same about these kinds of business as long as there is sufficient property to contain the business. It isn't fair to someone living in an area where the business would fit, if neighbors can conduct the same activity because they are not home occupations, but he can't.

In addition, the sign restrictions aren't always workable. Mr. Sargent suggested blending Tradesmen Shops into the revision as well.

The Chair asked how the Board wants to proceed. Mr. Wilson will try to get a handle on the numbers of these businesses, and the Board can then decide what to do about contacting them. There may be a way to reach them other than a regular mailing – perhaps through a Chamber newsletter for example.

Subdivision Ordinance: (need sections)

Performance Standards:

Fire prevention needs an old reference to an ordinance that no longer exists.

Change word to “public” water supply and not “municipal”

Enforcement:

Specify infrastructure rather than just roads.

The Board briefly discussed the amendment to the Subdivision Ordinance regarding adoption of roads by the Town. Ms. MacKinnon is concerned that if they don't address those who were concerned it won't pass at the polls, she just doesn't know what a good compromise is. She asked Ms. Dodge if she had objected to the proposal before it had come before the Select Board and it was voted unanimously to turn the proposal back to the Planning Board instead of going forward to the voters. Ms. Dodge stated that she had made up her mind to vote to send the amendment forward but changed her mind after hearing the comments offered by a member of the CAHO Board. The Board's discussion centered on the issue of affordable housing developments being treated differently than regular developments when it cost the same amount to repair damage in either instance. Mr. Sargent believes that the Town and taxpayers should not be put at risk of paying for these damages during the time frame when damage is more likely to occur – during construction. Given the economics of development in Town, it may be that another affordable housing development is not in the picture for a while. At the urging of Ms. Dodge, the Board agreed that they would meet with affordable housing proponents to try to explain to them how they reached their decision on the road issue.

Mr. MacLean suggested that Mr. Wilson contact both CAHO (Camden Affordable Housing Organization) and the Camden Affordable Housing Committee and inform them when the Board will be discussing this issue, and letting them know that if they would like to weigh in on the subject they should attend. If no-one comes, that can be noted in the record for the next time the issue goes before the Select Board. Mr. Sargent suggested that perhaps there was a reason for CAHO to have an advantage and a way to give them that. This is one way impact fees could benefit this organization: if the Town believes that this is the kind of development the Town wants to encourage, the fees for development would be weighted in their favor. However, Camden doesn't have those fees and they should be treated like everyone else.

The Chair suggested sending the proposed language along with the invitation to attend, and also mentioning the fact that there have been some concerns raised about the potential financial impact this might have on affordable housing development and the Planning Board is interested in hearing specifically what kind of financial impact there would be if this change were made. If there are any other concerns the Board should be made aware of they are welcome to send someone to come to the meeting to have an informal discussion with the Planning Board about those issues. Public input is very important to the Board and the Board would very much like to hear from these organizations.

#### *4. December 8th meeting:*

Subdivision roads

Work session on possible ordinance amendments

#### *6. Other:*

Mr. Wilson informed the Board that Clifton, Maine, shot down their new Wind Power Ordinance, which was seen by the Town Boards as a good thing with regard to its level of restrictions; petitioners had put forward standards that doubled the standards of the State's model and the legality of the revisions was in question. Camden's position of putting an ordinance on hold makes sense in light of these kinds of reactions. Camden's Select Board tabled making any appointments to the proposed three-town ordinance-writing committee that was proposed for Camden, Hope and Rockport to address the proposal for a Ragged Mountain wind project. The Select Board directed the Town Manager to write to the other two Towns thanking them for the

invitation to participate and letting them know of the Select Board's decision not to proceed at this time.

Mr. Lindsley, who sits on the Energy Committee, said the Committee will now be including the cost of power in their annual report. The original concept of the project was to stabilize the cost of power for 25 years to the Townspeople. The will now show the increase in the cost of power over the years.

There being no further business before the Board they adjourned at 6:45pm.

Respectfully submitted as transcribed from tape,

Jeanne Hollingsworth, Recording Secretary